

IT IS HEREBY ADJUDGED
and DECREED this is SO
ORDERED.



TIFFANY & BOSCO
P.A.

Dated: June 08, 2010

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SARAH S. CURLEY
U.S. Bankruptcy Judge

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09-28949

IN THE UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF ARIZONA

IN RE:

No. 2:09-BK-28059-SSC

John Francis MCavoy and Kathleen Gail MCavoy
Debtors.

Chapter 7

ORDER

U.S. Bank National Association, as Trustee for
CMLTI 2007-AR5

(Related to Docket #31)

Movant,

vs.

John Francis MCavoy and Kathleen Gail MCavoy,
Debtors, Lothar Goernitz, Trustee.

Respondents.

Movant's Motion for Relief from the Automatic Stay and Notice along with the form of proposed Order Lifting Stay, having been duly served upon Respondents, Respondents' counsel and Trustee, if any, and no objection having been received, and good cause appearing therefore,

IT IS HEREBY ORDERED that all stays and injunctions, including the automatic stays imposed

1 by U.S. Bankruptcy Code 362(a) are hereby vacated as to Movant with respect to that certain real
2 property which is the subject of a Deed of Trust dated October 17, 2006 and recorded in the office of the
3 Maricopa County Recorder wherein U.S. Bank National Association, as Trustee for CMLTI 2007-AR5 is
4 the current beneficiary and John Francis MCavoy and Kathleen Gail MCavoy have an interest in, further
5 described as:

6 Lot 10, of PARCEL 6A AT THE FOOTHILLS, according to the Plat of record in the office of the
7 County Recorder of Maricopa County, Arizona, recorded in Book 398 of Maps, Page 25 and
Affidavits of Correction recorded as 96-0087987 and as 96-0154106, both of Official Records.

8 EXCEPT all oil, gases and other hydrocarbon substances, helium or other substances of a gaseous
9 nature, coal, metals, minerals, fossils and fertilizers of every name and description, TOGETHER
10 WITH all uranium, thorium, or any other material which is or may be determined by the laws of
the United States or of this State, or decisions of courts to be peculiarly essential to the production
11 of fissionable materials, whether or not of commercial value and the exclusive right thereto, on, in
or under the above described lands, shall be and remain and are hereby reserved in and retained by
the State of Arizona in Patent recorded in Docket 15392, Page 317.

12 IT IS FURTHER ORDERED that Movant may contact the Debtors by telephone or written
13 correspondence regarding a potential Forbearance Agreement, Loan Modification, Refinance
14 Agreement, or other Loan Workout/Loss Mitigation Agreement, and may enter into such agreement
15 with Debtors. However, Movant may not enforce, or threaten to enforce, any personal liability against
16 Debtors if Debtors' personal liability is discharged in this bankruptcy case.

17 IT IS FURTHER ORDERED that this Order shall remain in effect in any bankruptcy chapter
18 to which the Debtor may convert.